

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**v.**

**STAR TEX GASOLINE & OIL  
DISTRIBUTORS, INC.,**

**Defendant.**

**CIVIL ACTION NO. 2:11-cv-305**

**COMPLAINT  
JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Chadwick S. Champion. The U.S. Equal Employment Opportunity Commission (the “Commission”) alleges that the Defendant, Star Tex Gasoline & Oil Distributors, Inc. (“Star Tex”), failed to hire Chadwick S. Champion, then age 72, for a truck driver position because of his age.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the “ADEA”), which incorporates by reference §§ 16(c) and 17 of the Fair Labor Standards Act of 1938 (the “FLSA”), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Texas, Corpus Christi Division.

## **PARTIES**

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant Star Tex has continuously been a Texas corporation doing business in the State of Texas and the City of Corpus Christi and has continuously had at least 20 employees.

5. At all relevant times, Defendant Star Tex has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

## **CONCILIATION**

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference, and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

## **STATEMENT OF CLAIMS**

7. On or about May 25, 2010, the Defendant Star Tex engaged in unlawful employment practices at its Corpus Christi, Texas facility in violation of §4(a) of the ADEA, 29 U.S.C. § 623(a) when it refused to consider for hire and/or by failing to hire Chadwick S. Champion, who is over 40 years of age, for a truck driver position because of his age.

8. The effect of the practices complained of in paragraph seven (7) above has been

to deprive Chadwick S. Champion, of equal employment opportunities and to otherwise adversely affect his status as an applicant because of his age.

9. The unlawful employment practices complained of in paragraph seven (7) above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction ensuring compliance with the ADEA, and enjoining Defendant Star Tex, its officers, agents, servants, employees, attorneys, successors, assigns, and all persons in active concert or participation with them, from discriminating against any qualified applicants and/or employees on the basis of their age and from engaging in any other employment practices which discriminate on the basis of age against individuals 40 years of age and older;

B. Order Defendant Star Tex to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices;

C. Grant a judgment requiring Defendant Star Tex to pay Chadwick S. Champion appropriate back wages and other sums he would have earned or been entitled to receive, in an amount to be determined at trial and an equal sum as liquidated damages, or prejudgment interest in lieu thereof;

D. Order Defendant Star Tex to make whole Chadwick S. Champion who was adversely affected by the unlawful employment practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practice, including but not limited to the rightful-place hiring of Chadwick S. Champion or front pay in lieu thereof;

E. Grant such further relief as the Court deems necessary and proper in the public interest; and

F. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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/s/ Robert A. Canino w/permission  
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